

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
WILLIAM J. MARTINEZ**

Civil Action No. 13-cv-1861-WJM-BNB

ARTHUR MOORE,

Plaintiff,

v.

CAPT. ARGUELLO, AND
CAPT. TOM MEEK,

Defendant.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a), all previous Orders entered during the pendency of this case, and the Order Adopting in part the Recommendation of the Magistrate Judge, Granting Defendants' Motion to Dismiss, entered by the Honorable William J. Martínez, United States District Judge, on August 21, 2014,

IT IS ORDERED that.

1. The Magistrate Judge's Recommendation (ECF No. 55) is REJECTED as to his finding regarding Plaintiff's allegations of Capt. Arguello's personal participation in the alleged constitutional deprivation but ACCEPTED in all other respects;

2. Defendants' Motion to Dismiss (ECF No. 30) is GRANTED;
3. Plaintiff's claims against Defendants in their official capacities are DISMISSED WITHOUT PREJUDICE based on Eleventh Amendment immunity;
4. Plaintiff's claims against Defendants in their individual capacities are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief could be granted; and
5. The Clerk shall enter judgment in favor of Defendants. Each party shall bear his own costs.

Dated at Denver, Colorado this 21st day of August, 2014.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ E. Van Alphen
Deputy Clerk